

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:)	IN CHAPTER 7 PROCEEDINGS
)	
MATTHEW M. MOTIL)	CASE NO. 22-10571-(AIH)
)	
Debtor)	JUDGE ARTHUR I HARRIS
)	
)	

**REPLY TO DEBTOR’S OBJECTION TO MOTION OF
CREDITORS, IRA SERVICES TRUST COMPANY AND
KENNETH P. LYNCH, TRUSTEE, TO EXTEND TIME IN
WHICH TO FILE A COMPLAINT OBJECTING TO
DISCHARGE PURSUANT TO 11 U.S.C. § 727**

Creditors, IRA Services Trust Company CFBO Kenneth P. Lynch IRA and Kenneth P. Lynch (collectively “Movants”), filed a Motion to Extend Time in Which to File a Complaint Objecting to Discharge Pursuant to 11 U.S.C. § 727(a) (the “Motion”) on June 3, 2022 [Document Number 48], in which Movants moved this Court for an order, pursuant to Fed. R. Bankr. 1017(e)(1) and 4004(b), extending to until August 3, 2022, the time in which a complaint objecting to discharge under 11 U.S.C. § 727(a) may be filed. Debtor, Matthew M. Motil (“Debtor”) filed an Objection to Motion to Extend Filed by Movants (the “Objection”) on June 14, 2022 [Document Number 54]. Movants hereby submit this Reply in further support of their Motion.

1. The debtor Matthew M. Motil (the “Debtor”) filed a voluntary chapter 7 bankruptcy petition on March 7, 2022. Docket No. 1. In accordance with 11 U.S.C. § 701, the United States Trustee appointed Virgil Brown to serve as the chapter 7 trustee (the “Trustee”). The section 341 meeting of creditors (the “341 Meeting”) was initially scheduled for April 4, 2022, but was adjourned and not opened until May 3, 2022. Dockets Nos. 2, 21. Counsel for Movants was in attendance at the 341 Meeting. The May 3, 2022 341 meeting was adjourned and was to be

continued at a later date, which date has not yet been set. Counsel for Movants expects to attend the continuation of the 341 Meeting when rescheduled. Without an extension, June 3, 2022, was the deadline by which parties may file a complaint objecting to discharge.

2. Movants filed cases in the Cuyahoga County and Richland County Courts of Common Pleas against Debtor and entities owned and/or controlled by Debtor (the “Entities”) alleging, among other claims, sums due on promissory notes, claiming an equitable lien upon real property due to failure to file mortgages as per the agreement of the parties, conversion, fraudulent inducement into entering the transactions, unjust enrichment to the Debtor and the Entities, breach of contract and the use of the Entities to perpetrate a fraud upon Movants. Movants’ claims, by default, have been admitted to be true in the Richland County Court of Common Pleas and were reduced to judgment against the Debtor and entities owned or controlled by him. Many of the claims of the Movants already reduced to judgment will be alleged again in a Complaint Objecting to Discharge Pursuant to 11 U.S.C. § 727(a). The Cuyahoga County case remains pending and is stayed by virtue of these proceedings.

3. To date, multiple creditors similarly situated to Movants have filed actions objecting to discharge. Movants expect to file such an action. Information discovered subsequent to the filing of this bankruptcy and the conclusion of the 341 Meeting will be incorporated into allegations such a complaint.

4. As of the filing of this Motion, the Debtor has not turned over financial and loan documents to the United States Trustee requested in April and the 341 Meeting remains open. Movants seek additional time so that the 341 Meeting may be concluded to obtain such other information that may be discovered thereby and to preserve their opportunity to file a complaint objecting to discharge. Movants have acted in good faith and have diligently pursued their claims against Debtor and will continue to do so. Counsel for Movants discovered useful information as a result of his attendance at the May 3, 2022 341 Meeting and believes that further relevant

information supporting Movant's allegations will be obtained at a reconvened 341 meeting prior to the requested extended filing date. Movants wish to preserve the judgment they were awarded against Debtor.

5. Given the apparent complexity of this matter and the sheer number of creditors and claims involved, Debtor will not be prejudiced by granting Movants' requested extension.

WHEREFORE, the Movants request that this Court enter an order extending to until August 3, 2022, the Movants' deadline to file a complaint objecting to the Debtor's discharge under 11 U.S.C. § 727(a).

Respectfully submitted,

/s/ Herbert J. Kramer

Kramer Legal Services, LLC
By: Herbert J. Kramer (0020342)
Attorney for Plaintiffs
P.O. Box 771
Gates Mills, OH 44040
216-598-6568
hjklegal@gmail.com
Counsel for Creditors IRA Services Trust
Company CFBO Kenneth P. Lynch IRA and
Kenneth P. Lynch, Trustee

CERTIFICATE OF SERVICE

I, Herbert J. Kramer, hereby certify that the foregoing Motion was electronically transmitted on or about June 21, 2022, via the Court's CM/ECF system to all parties listed on the Court's Electronic Mail List, including:

- Virgil E. Brown virgil@vebtrustee.com, vbrownjr@ecf.axosfs.com
- Evan T. Byron etb@kdglegal.com, hlb@kdglegal.com
- Hunter G. Cavell hcavell@morrislaing.com
- Thomas W. Coffey tcoffey@tcoffeylaw.com
- Daniel A. Cox bankruptcy@woodlamping.com, dacox@woodlamping.com
- Eric R. Neuman eric@drlawllc.com, kim@drlawllc.com; r50765@notify.bestcase.com; raymond@drlawllc.com; leanne@drlawllc.com
- David M. Neumann dneumann@meyersroman.com, jray@meyersroman.com; mnowak@meyersroman.com
- Jody Michelle Oster jodymoster@gmail.com
- Matthew R. Duncan jmrduncan@bmdllc.com
- United States Trustee (Registered address)@usdoj.gov
- Scott R. Belhorn Scott.R.Belhorn@usdoj.gov

I, Herbert J. Kramer, further certify that the foregoing Motion was mailed via U.S. Post, First Class, on June 21, 2022, to the following:

Matthew Motil
7011 Chadbourne Drive
North Olmsted, OH 44070

/s/ Herbert J. Kramer
Herbert J. Kramer
Counsel for Creditors IRA Services Trust
Company CFBO Kenneth P. Lynch IRA and
Kenneth P. Lynch, Trustee